

§ 404b. Travel and transportation allowances: lodging expenses at temporary duty location for members on authorized leave

(a) **PAYMENT OR REIMBURSEMENT AUTHORIZED.**—The Secretary concerned may pay or reimburse a member of the armed forces assigned to temporary duty as described in subsection (b) for lodging expenses incurred by the member at the temporary duty location while the member is in an authorized leave status.

(b) **COVERED MEMBERS.**—Subsection (a) applies with respect to a member assigned to temporary duty, for a period of more than 30 days, in support of a contingency operation or in other specific situations designated by the Secretary concerned if the member—

(1) immediately before taking the authorized leave, was performing the temporary duty at a location away from the home or permanent duty station of the member;

(2) was receiving a per diem allowance under section 404(a)(4) of this title to cover lodging and subsistence expenses incurred at the temporary duty location because quarters of the United States were not available for assignment to the member at that location; and

(3) immediately after completing the authorized leave, returns to the duty location.

(c) **PAYMENT LIMITATION.**—The amount paid or reimbursed under subsection (a) for a member may not exceed the lesser of—

(1) the actual daily cost of lodging incurred by the member at the temporary duty location while the member was in an authorized leave status; and

(2) the lodging portion of the applicable daily per diem rate for the temporary duty location.

(Added Pub. L. 108–136, div. A, title VI, § 635(a), Nov. 24, 2003, 117 Stat. 1510.)

§ 405. Travel and transportation allowances: per diem while on duty outside the United States or in Hawaii or Alaska

(a) **PER DIEM AUTHORIZED.**—Without regard to the monetary limitation of this title, the Secretary concerned may pay a per diem to a member of the uniformed services who is on duty outside of the United States or in Hawaii or Alaska, whether or not the member is in a travel status. The Secretary may pay the per diem in advance of the accrual of the per diem.

(b) **DETERMINATION OF PER DIEM.**—In determining the per diem to be paid under this section, the Secretary concerned shall consider all elements of the cost of living to members of the uniformed services under the Secretary's jurisdiction and their dependents, including the cost of quarters, subsistence, and other necessary incidental expenses. However, dependents may not be considered in determining the per diem allowance for a member in a travel status.

(c) **TREATMENT OF HOUSING COST AND ALLOWANCE.**—Housing cost and allowance may be disregarded in prescribing a station cost of living allowance under this section.

(Pub. L. 87–649, Sept. 7, 1962, 76 Stat. 473; Pub. L. 89–718, § 57, Nov. 2, 1966, 80 Stat. 1123; Pub. L.

91–486, Oct. 22, 1970, 84 Stat. 1085; Pub. L. 96–107, title VIII, § 807(a), Nov. 9, 1979, 93 Stat. 813; Pub. L. 98–525, title VI, § 602(e), Oct. 19, 1984, 98 Stat. 2536; Pub. L. 99–145, title XIII, § 1303(b)(8), Nov. 8, 1985, 99 Stat. 741; Pub. L. 101–189, div. A, title VI, § 622(a), Nov. 29, 1989, 103 Stat. 1446; Pub. L. 103–160, div. A, title VI, § 622(a), Nov. 30, 1993, 107 Stat. 1683; Pub. L. 105–85, div. A, title VI, § 603(c)(2), Nov. 18, 1997, 111 Stat. 1781; Pub. L. 105–261, div. A, title VI, § 603(b), Oct. 17, 1998, 112 Stat. 2037; Pub. L. 106–398, § 1 [[div. A], title VI, § 641(b)], Oct. 30, 2000, 114 Stat. 1654, 1654A–160.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
405	37:253(b).	Oct. 12, 1949, ch. 681, § 303(b), 63 Stat. 814.

The words “Secretaries concerned” are substituted for the words “Secretaries of the uniformed services” to conform to other subsections of the source statute. The words “outside the United States, or in Hawaii or Alaska” are substituted for the words “outside the continental United States or in Alaska” to conform to the definition of United States in section 101(1) of this revised title and to retain the coverage of the source statute.

AMENDMENTS

2000—Pub. L. 106–398 amended section generally. Prior to amendment, section authorized payment of a per diem to members of the uniformed services on duty outside of the United States or in Hawaii or Alaska and specified what elements were to be considered in determining the per diem allowance.

1998—Subsec. (c). Pub. L. 105–261 struck out subsec. (c) which authorized the Secretary concerned to make a lump-sum payment for nonrecurring expenses to certain members of the uniformed services authorized to receive per diem allowances under subsec. (a).

1997—Subsecs. (b) to (d). Pub. L. 105–85 redesignated subsecs. (c) and (d) as (b) and (c), respectively, and struck out former subsec. (b) which read as follows: “A station housing allowance may be prescribed under this section for a member who is on duty outside of the United States without regard to costs other than housing costs and may consist of the difference between basic allowance for quarters and applicable housing cost. A station housing allowance may not be prescribed under this section for a member who is on duty in Hawaii or Alaska. A station housing allowance prescribed under this section may be paid in advance.”

1993—Subsec. (d). Pub. L. 103–160 amended subsec. (d) generally. Prior to amendment, subsec. (d) read as follows: “In the case of a member of the uniformed services authorized to receive a per diem allowance under subsection (a), the Secretary concerned may make a lump-sum payment for nonrecurring expenses incurred by the member in occupying private housing outside of the United States. Expenses for which payments are made under this subsection may not be considered for purposes of determining the per diem allowance of the member under subsection (a).”

1989—Subsec. (d). Pub. L. 101–189 added subsec. (d).

1985—Pub. L. 99–145 inserted “the” after “outside” in section catchline.

1984—Subsec. (a). Pub. L. 98–525, § 602(e)(1), designated first two sentences of existing section as subsec. (a).

Subsec. (b). Pub. L. 98–525, § 602(e)(2), (3), designated third and fourth sentences of existing section as subsec. (b), in such third sentence as so designated inserted “for a member who is on duty outside of the United States” after “under this section”, and inserted after such third sentence: “A station housing allowance may not be prescribed under this section for a member who is on duty in Hawaii or Alaska.”